



## UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation Nos. 701 TA-481 and 731-TA-1190 (Preliminary)

Crystalline Silicon Photovoltaic Cells and Modules from China

### DETERMINATIONS

On the basis of the record<sup>1</sup> developed in the subject investigations, the United States International Trade Commission (Commission) determines, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. §§ 1671b(a) and 1673b(a)) (the Act), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from China of crystalline silicon photovoltaic cells and modules, provided for in subheading 8541.40.60 (statistical reporting numbers 8541.40.6020 and 8541.40.6030) of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV) and subsidized by the Government of China.

### COMMENCEMENT OF FINAL PHASE INVESTIGATIONS

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the *Federal Register* as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (Commerce) of affirmative preliminary determinations in the investigations under sections 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and

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<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

## **BACKGROUND**

On October 19, 2011, a petition was filed with the Commission and Commerce by Solar World Industries America, Hillsboro, OR, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV and subsidized imports of crystalline silicon photovoltaic cells and modules from China. Accordingly, effective October 19, 2011, the Commission instituted countervailing duty investigation No. 701-TA-481 and antidumping duty investigation No. 731-TA-1190 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the *Federal Register* of October 27, 2011 (76 FR 66748). The conference was held in Washington, DC, on November 8, 2011, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on December 5, 2011. The views of the Commission are contained in USITC Publication 4295 (December 2011), entitled *Crystalline Silicon Photovoltaic Cells and Modules from China: Investigation Nos. 701-TA-481 and 731-TA-1190 (Preliminary)*

By order of the Commission.

James R. Holbein  
Secretary to the Commission

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